

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

SEC. 8. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

Not later than 1 year after the date of enactment of this Act, of the funds described in section 3, the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92-555 (25 U.S.C. 1300d-4(c)), distribute an amount equal to \$1,469,831.50 to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana [Mr. HILL] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HILL asked and was given permission to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise in support of H.R. 976, the proposed Mississippi Sioux Tribes Judgment Fund Distribution Act of 1997.

Mr. Speaker, I note that this legislation would distribute judgment funds to the various Indian tribes in Montana, North Dakota, and South Dakota. I also note that all the Members of the House and all the Members of the Senate from these three States are sponsoring either H.R. 976 or the identical Senate version, S. 391.

H.R. 976 would provide for the disposition of judgment funds appropriated by the Congress in 1968, plus accrued interest to pay the Mississippi Sioux Indians for 27 million acres of ancestral lands which the Indian Claims Commission ruled were taken without just compensation.

A portion of these judgment funds would be distributed to the Spirit Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine Sioux Tribe of the Fort Peck Reservation in Montana, according to a formula included in H.R. 976.

Each of the aforementioned tribes would be required to establish a trust fund for the benefit of the tribe to be used for the purposes specified in the bill. Another portion of the judgment funds, approximately \$1.47 million, would be distributed to the lineal descendants of the Sisseton and Wahpeton tribes of Sioux Indians.

In 1972, Congress passed a judgment fund distribution Act, Public Law 92-555, which allocated these judgment funds between the tribes and lineal descendants to the Mississippi Sioux Tribes. That 1972 law has spawned a series of suits which are still being litigated.

I am told that the administration refuses to negotiate a settlement to this

litigation, in spite of Public Law 102-497 passed in 1992, which authorizes the Attorney General to do so. It is time to straighten out this mess. That is why H.R. 976 is before us today. This is a fair bill, a compromise for both the tribes and the lineal descendants which should be acceptable to all.

Mr. Speaker, I recommend that H.R. 976 be passed by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Montana [Mr. HILL] has done a very good job in explaining this bill. I shall be very brief.

The bill, the Mississippi Sioux Tribes Judgment Fund Distribution Act, will resolve a longstanding dispute over a 1967 judgment fund award by the Indian Claims Commission to three tribes in South Dakota, North Dakota, and Montana. These tribes are the Sisseton and Wahpeton Sioux Tribes, the Spirit Lake Sioux Tribe, and the Fort Peck Sioux Tribe. I have always enjoyed working with these great nations, and I am glad to count them among my friends.

The gentleman from Montana [Mr. HILL] has done a very good job in explaining the bill. The administration has expressed some concerns with it, but I think this committee has well addressed those concerns, and I certainly would urge passage of this bill.

This bill, the Mississippi Sioux Tribes Judgment Fund Distribution Act will resolve a longstanding dispute over 1967 judgment fund award by the Indian Claims Commission to three Sioux Tribes in South Dakota, North Dakota, and Montana.

The three Sioux Tribes won their case against the United States for 27 million acres of land illegally taken from them in direct violation of their treaty rights. The three tribes are the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Sioux Tribe, and the Fort Peck Sioux Tribe. I have always enjoyed working with these grant nations and am glad to count them among my friends.

In 1972, Congress provided for the distribution of the award for the three tribes but also set aside \$1.5 million of the award for distribution to lineal descendants of Sisseton and Wahpeton Sioux Tribe. The \$1.5 million, however, was never distributed and has grown to more than \$14 million.

The tribes have historically opposed the award to the lineal descendants. Their position is that the award was based on the takings of lands from the tribes and that money should only be paid to tribal members. The Department of the Interior, however, recommended that the 1972 distribution legislation also include certain lineal descendants who were not enrolled with the tribes but were legitimate descendants of the original parties.

In the course of the past 10 years, the tribes have brought a series of lawsuits against the lineal descendants. Their claims were dismissed on a number of grounds.

In 1992, Congress passed legislation authorizing the Justice Department to conduct settlement negotiations between the tribes and the lineal descendants. The Justice Depart-

ment has never acted. At the same time, however, members of the South Dakota, North Dakota, and Montana delegations have sought to encourage settlement between the parties, despite the Justice Department's refusal to assist.

The result is that the tribes and the lineal descendants have finally reached an agreement that divides the money by giving the lineal descendants their original \$1.5 million and the three tribes the interest accrued, an amount that now stands at more than \$12.5 million. All three Sioux Tribes strongly endorse this legislation and have agreed to forego any further legal action they might take against the lineal descendants. All of the parties are supportive of the plan, including the State Delegations.

The administration, however, opposes this plan. Assistant Secretary Ada Deer testified before the House Resources Committee in June of this year expressing opposition for two reasons. First, the administration noted that the time for appeal in one of the tribes' lawsuits had not run, and thus there was an outside chance that the tribes might ultimately win their case. As I stated earlier, however, the tribes have agreed to drop any future actions if this legislation becomes law.

Second, the administration recognized that if the lineal descendants were entitled to the original \$1.5 million award, then they should get the interest. If on the other hand, they were not, then they should get nothing. Thus, they express concern that splitting the money might create a takings claim on the behalf of one of the parties. We believe, however, that Congress has the power to authorize this distribution plan and this view is supported by correspondence from the administration as well as their own testimony.

With respect to the administration's concerns that the makeup of the lineal descendants may not be fully clear at this time, the legislation today provides for a pro rata distribution, thus insuring that all participants who qualify will receive equal awards.

In sum, what we are doing is closing the books on a longstanding dispute between the three tribes and the lineal descendants, and bringing to an end the tribes' dispute with the United States. This is a sound and politically fair decision, one that is supported by all of the affected parties.

I urge my colleagues to support enactment of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HILL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. HILL] that the House suspend the rules and pass the bill, H.R. 976, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AGUA CALIENTE REVENUE DISTRIBUTION ACT

Mr. HILL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 700) to remove the restriction on

the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians, as amended.

The Clerk read as follows:

H.R. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES.

(a) IN GENERAL.—The fourth undesignated paragraph in section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes" approved September 21, 1959 (25 U.S.C. 951 et seq.), is amended by striking "east: *Provided,*" and all that follows through "deceased member." and inserting "east."

(b) EFFECTIVE DATE AND AGREEMENT TO MAKE PAYMENT.—The amendment made by subsection (a) shall apply with respect to net rents, profits, and other revenues that accrue on or after the date of distribution of the payment, as provided in Tribal Ordinance 22 dated August 6, 1996, to those persons referenced in Exhibit B of Tribal Ordinance 22.

The SPEAKER pro tempore. Pursuant to the rules, the gentleman from Montana [Mr. HILL] and the gentleman from Michigan [Mr. KILDEE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 700 would remove a revenue distribution restriction created in Public Law 86-339, a 1959 statute which related in part to the distribution of certain revenues to 85 members of the Agua Caliente Band of Cahuilla Indians.

The 1959 act exempted lands known as the Mineral Springs lots from an allotment process which had been developed to distribute the band's public lands to individual members. The Mineral Springs lots were set apart and designated as tribal reserves. Revenues generated by the Mineral Springs lots were designated in the 1959 act to be used to offset inequities in the allotments to 85 members of the band and their heirs created by the withdrawal of the Mineral Springs lots from the allotment process.

H.R. 700 would endorse a 1996 ordinance enacted by the band which would compensate those members of the band, or their heirs, entitled to a cash payment or equalization allotment in satisfaction of the requirements of the 1959 act.

The amount of the compensation for each of the 85 members, \$22,000, has been placed into escrow by the band.

The provisions of H.R. 700 will take effect on or after the date of the distribution of the aforementioned compensation to the 85 members of the band.

This is a fair and equitable bill. It will have no impact on the Federal budget, contains no intergovernmental or private sector mandates, and would impose no costs on State, local, or tribal governments.

I recommend that H.R. 700 be adopted by this body.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, this legislation will bring an end to a long-standing problem that has affected the ability of the Agua Caliente Tribe of California to govern its own sovereign tribal lands.

H.R. 700 was introduced by our colleague, the gentleman from California, Mr. SONNY BONO. His legislation will allow the Agua Caliente Tribe to compensate allottees or their heirs who currently have exclusive rights to a parcel of land that is located at the site of the tribe's casino. H.R. 700 will simply allow the tribal government to use its gaming revenues to address the social problems facing the tribal members.

Mr. Speaker, I have personally visited this reservation and I have seen this problem firsthand. I know the tribal government has worked endlessly to ensure this plan was fair and equitable. I want to applaud Chairman Richard Milanovich and the Agua Caliente Tribal Council for the hard work they have put into this bill.

I also want to thank the gentleman from California [Mr. BONO] for introducing this important bill to help the residents of his district, and I urge my colleagues to support this legislation.

Mr. BONO. Mr. Speaker, I rise in support of this bill. Along with my colleague, Congressman DALE KILDEE, I am the proud author of H.R. 700, The Agua Caliente Equalization Act.

The Agua Caliente Tribe, located in California's 44th congressional district, has been suffering a dilemma for nearly 50 years. This bill seeks to resolve this dilemma.

This legislation provides the solution to a long standing problem that the tribe has already addressed within their governmental process and structure. This body must consider this issue because, in 1959, the Federal Government imposed restrictions on how the tribe was to resolve an internal issue.

This legislation has been reviewed by both the Justice Department and the Department of the Interior, and has passed constitutional muster. The administration has raised no objections, nor do I know of any opposition within this body.

This legislation virtually mirrors H.R. 3804, which I introduced in the last Congress and was approved under suspension. Had the Senate not adjourned, this bill, which has been cleared for floor action, would have been taken up in that body.

What this bill seeks to accomplish is to recognize the exclusive rights that were provided to 85 unallotted members of the tribe to a parcel of land owned by the tribe. The tribe, from its own revenues, would make a one-time payment to these 85 nonallottees or their heirs in exchange for the tribe to utilize any future revenues derived from this parcel of land for the benefit of the entire tribe.

This bill is a result of many meetings with the tribe and my personal knowledge of the

Agua Caliente Reservation. I realize that there are many things that the tribal council need in order to assist their members. The council has informed me that they intend to provide health insurance and decent housing for their members. The council has also made commitments for both educational and employment opportunities for its members. This bill will provide the necessary mechanisms for the tribe to make these goals a reality.

The bill enjoys the overwhelming support of the tribe and the 85 affected allottees. Over 60 percent of the voting age members of the tribe have taken the time to write this committee expressing their support of this bill.

I want to commend the tribal council for its efforts to accommodate the concerns and interests of all members of the tribe. The final vote on support of this bill was unanimous by the council, illustrating the hard work and dedication of the council in addressing the needs of their tribe.

Finally, this bill reflects an agreement that the tribe and the allottees have reached themselves. As such, it reaffirms our commitment to furthering the Federal policy of self-determination and self-governance. This bill deserves the support of this body. I urge my colleagues to support this legislation.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. HILL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. HILL] that the House suspend the rules and pass the bill, H.R. 700, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 976 and H.R. 700, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

NEED-BASED EDUCATIONAL AID ANTITRUST PROTECTION ACT OF 1997

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill, H.R. 1866, to continue favorable treatment for need-based educational aid under the antitrust laws.

The Clerk read as follows:

Senate amendment:

Page 2, strike out lines 4 through 17 and insert:

SEC. 2. CONTINUATION OF FAVORABLE TREATMENT FOR NEED-BASED EDUCATIONAL AID UNDER THE ANTI-TRUST LAWS.

(a) AMENDMENTS.—Section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended—